



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

***Project File Number, Description, and Location***

**PP03-12-373.** Public Project to re-establish a Recycling Market Development Zone (RMDZ) in the City of San Jose for ten additional years so that businesses which use secondary (recycled) materials from the waste stream as feedstock for their manufacturing processes are eligible for technical and financial assistance. The City of San Jose Department of Environmental Services proposes to apply to the California Integrated Waste Management Board to designate the City of San Jose as an RMDZ for ten additional years under the California Integrated Waste Management Act of 1989 (Public Resources Code Section 42000). City of San Jose, Applicant.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. Such information is not relevant to the proposed project because it covers the entire City of San Jose and is not site specific.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have posted this notice with the Clerk of the County of Santa Clara to inform the community of the Director's intent to adopt a Negative Declaration for the proposed project on January 12, 2004, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **December 12, 2003** and ends on **January 12, 2004**.

A public hearing on the project described above is tentatively scheduled for January 27, 2004 at 1:30 p.m. in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and online at [www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm](http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm). Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City and State regulations. For additional information, please call **Ron Eddow, Senior Planner** at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

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\_\_\_\_\_  
Deputy

Environmental/Public Projects/2003/PP03-12-373 RMDZ ND Notice

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT: Recycling Market Development Zone (RMDZ)**

**PROJECT FILE NUMBER: PP03-12-373**

**PROJECT DESCRIPTION: Public Project to re-establish a Recycling Market Development Zone (RMDZ) in the City of San Jose for ten additional years so that businesses which use secondary (recycled) materials from the waste stream as feedstock for their manufacturing processes are eligible for technical and financial assistance. The City of San Jose Department of Environmental Services proposes to apply to the California Integrated Waste Management Board to designate the City of San Jose as an RMDZ for ten additional years under the California Integrated Waste Management Act of 1989 (Public Resources Code Section 42000).**

**PROJECT LOCATION & ASSESSORS PARCEL NO.: City of San Jose**

**COUNCIL DISTRICT: Various**

**NAME OF APPLICANT: Peggy Horning, City of San Jose Department of Environmental Services**

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: 777 N. First Street, Suite 300, San Jose, CA 95112, 408-277-4066.**

**FINDING**

The Director of Planning, Building & Code Enforcement finds there is no substantial evidence, in light of the whole record before the lead agency, that the project described above will have a significant effect on the environment in that the attached initial study identifies all potential impacts to be less than significant.

## PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **January 12, 2004**, any person may:

- (1) Review the Draft Negative Declaration (ND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the ND and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft ND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

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Deputy

Adopted on: \_\_\_\_\_

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